

RESOLUTION NO.

WHEREAS, the City of Austin has encouraged transit-oriented development (TOD) since 2005, to create attractive, walkable, and sustainable development patterns around high-capacity transit that maximizes Capital Metro's system ridership and offers Austin residents abundant housing choices and convenient access to jobs, services, and diverse amenities; and

WHEREAS, the City of Austin's Transit Oriented Development (TOD) Ordinance No. 20050519-008 (the "TOD Ordinance") established a two-phase process for identifying the location, boundaries, and implementation of a TOD in City Code (the "TOD Process"); and

WHEREAS, Phase I identifies TOD district locations and boundaries and applies as an overlay interim City Code regulations affecting issues such as land use, parking, and building setbacks to the properties within the TOD district boundaries; and

WHEREAS, Phase II involves development of a Station Area Plan and accompanying Regulating Plan through the Neighborhood Planning Process and replaces the interim regulations with land use regulations specific to the properties within the TOD boundaries; and

WHEREAS, the TOD Ordinance was codified in the Land Development Code, Chapter 25-2, Subchapter C, Article 3, Division 10 and Appendix D, and participation in the preparation of Station Area Plan and accompanying Regulating Plans by neighborhood plan contact teams, neighborhood organizations, business owners, property owners, and other affected persons is specified in City Code Section 25-2-766.21; and

25 **WHEREAS**, the TOD Ordinance established districts around selected stops
26 along the Capital Metro MetroRail and Park & Ride locations, linking Capital
27 Metro’s MetroRapid Bus Transit; and these locations are as follows:

28 Original TOD Districts established in 2005:

- 29 • The Northwest Park & Ride
- 30 • North IH-35 Park & Ride
- 31 • Lamar Blvd./Justin Lane
- 32 • MLK Jr. Blvd
- 33 • Plaza Saltillo
- 34 • The Convention Center; and

35 additional TOD Districts added by amendments in 2006 (Boundaries TBD):

- 36 • Oak Hill (Ordinance No. 20060309-057)
- 37 • South IH-35 Park & Ride (Ordinance No. 20061005-052)
- 38 • Highland Mall (Ordinance No. 20061005-052); and

39 **WHEREAS**, to date, three of the TODs have gone through both Phase I and
40 Phase II of the TOD Process and have adopted Station Area Plans and
41 accompanying Regulating Plans; and these TODs include:

- 42 • Plaza Saltillo TOD
- 43 • MLK TOD
- 44 • Lamar/Justin TOD; and

45 **WHEREAS**, City policies, processes, and City Code sections related to
46 TODs may need to be updated to accommodate Project Connect investments, the

recommendations from the studies, and reflect population growth to meet housing demands and maintain an accessible housing market; and

WHEREAS, the 2012 Imagine Austin Comprehensive Plan envisions a compact and connected city that encapsulates household affordability, environmental protection, and complete communities, with easier, greener, healthier transportation options linking residents to jobs, arts and culture, parks, schools, health care, shopping, and other destinations; and

WHEREAS, the 2017 Austin Strategic Housing Blueprint established a goal of building 135,000 new housing units over a ten-year period, and recommends allowing affordable options in all parts of town as well as helping Austinites reduce household costs by encouraging housing developments that connect with diverse transportation options; and

WHEREAS, the 2019 Austin Strategic Mobility Plan sets a goal to have 50 percent of commuters utilize modes other than single-occupant vehicles by 2039, including 25 percent of commuters taking transit, biking, or walking to work; and

WHEREAS, transportation in the form of cars, buses, and trucks accounts for more than a third of the region's carbon footprint, and the 2014 Austin Community Climate Action Plan calls for the city to reach net-zero community-wide greenhouse gas emissions by 2050; and

WHEREAS, encouraging development around Austin's transit network promotes safer, more environmentally sustainable transportation options that reduce household costs associated with car ownership; and

WHEREAS, a study commissioned by the US Department of Transportation determined that by 2025, 14.6 million households will demand homes within walking distance to public transit and rail systems; and

72 **WHEREAS**, the City’s currently adopted station area plans for TOD
73 districts exist along the commuter rail line; and

74 **WHEREAS**, in 2020, Austin voters approved the initial investment in
75 Project Connect, a citywide high-capacity transit plan that includes two new light
76 rail lines (Orange and Blue Lines), a new commuter rail line (Green Line),
77 expanded regional rail (Red Line), four new MetroRapid routes (Gold Line, Expo
78 Center, Pleasant Valley, Burnet/Oak Hill/Menchaca), three new MetroExpress
79 regional routes (Four Points, Oak Hill, South MoPac), the full electrification of
80 Capital Metro’s fleet, and a historic \$300,000,000 investment in financing tools
81 and other anti-displacement strategies related to the implementation of Project
82 Connect; and the acquisition of real property related to the Project Connect anti-
83 displacement strategies ; and

84 **WHEREAS**, in 2018, Council approved Resolution No. 20180308-010,
85 which directed the creation of a “right to return / right to stay” policy to grant
86 prioritization for affordable housing and other resources to households with
87 generational ties to Austin; and

88 **WHEREAS**, through Project Connect, certain corridors will have bus
89 service frequencies and ridership comparable to rail lines in many cities; and

90 **WHEREAS**, a 2010 study published by the University of California
91 Transportation Center, determined that frequent all day bus service requires
92 approximately 17 residents and jobs per gross acre, and light-rail systems need 56
93 residents and jobs per gross acre to achieve and sustain the high ridership and
94 productivity needed for a cost effective transit system; and

95 **WHEREAS**, Capital Metro was awarded a \$600,000 grant from the Federal
96 Transit Administration to complete TOD study along the Green Line between

Austin and Manor in 2018, and the city has provided coordination and support to that effort which resulted in a Green Line TOD Study in 2020; and

WHEREAS, Capital Metro’s Green Line TOD Study was accompanied by a review of existing regulations to determine if they support and advance the goals of the Green Line TOD Study and the review identified opportunities to improve the production of meaningful, equitable, transit-oriented development and anti-displacement strategies; and

WHEREAS Capital Metro was awarded a \$900,000 grant from the Federal Transit Administration (FTA) to complete an Equitable Transit Oriented Development (eTOD) study along the entire Blue Line and the northern segment of the Orange Line (“eTOD Study”) in order to support transit-oriented development and anti-displacement efforts for Project Connect; and

WHEREAS, Capital Metro intends to apply for additional grant opportunities from the FTA to complete eTOD studies for the southern section of the Orange Line, and potentially other sections of Project Connect rail, commuter, and MetroRapid corridors; and

WHEREAS, the current and potential future eTOD studies will yield data- and community-informed, context-sensitive policy and land-use recommendations, and will be used by Capital Metro to update the agency’s TOD Tool Kit used for both rail and bus services; and

WHEREAS, the City is a key participating agency and partner, supporting the Green Line TOD Study and the eTOD Study; and

WHEREAS, the City policies processes, and code sections related to TOD may be further improved to promote affordability in communities for both residents and small businesses; and

122 **WHEREAS**, equitable transportation practices integrate transit into
123 walkable, accessible, livable, and affordable land use practices to enhance healthy
124 living within low-income communities and communities of color; and

125 **WHEREAS**, Capital Metro’s Project Connect presents the opportunity to
126 create thoughtful, equitable transit-oriented development; and

127 **WHEREAS**, eTOD is development that enables all people regardless of
128 income, race, ethnicity, age, gender, immigration status or ability to experience the
129 benefits of dense, mixed-use, pedestrian-oriented development near transit hubs;
130 and

131 **WHEREAS**, eTOD elevates and prioritizes investments and policies that
132 close socioeconomic gaps; and

133 **WHEREAS**, when centered on racial inclusion and community wealth
134 building, eTOD can be a driver of positive transformation for more vibrant,
135 prosperous, and resilient neighborhoods connected to opportunities throughout the
136 city; **NOW, THEREFORE,**

137 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

138 The City Council directs the City Manager to contribute actively to the
139 ongoing studies, in partnership with Capital Metro, to help ensure the study
140 outcomes serve as a guide for revising the City’s existing TOD process and station
141 area plans, as well as providing recommendations to initiate relevant land use
142 amendments in the eTOD Study area, areas designated as TODs, and high-capacity
143 transit areas.

144 **BE IT FURTHER RESOLVED:**

145 The results of the studies and additional analysis shall inform the creation of
146 a citywide eTOD Policy Plan to update the City’s existing ordinances and

processes, which shall be presented to Council for consideration and adoption. The eTOD Policy Plan should be an action-oriented policy document, providing options for reconciling and updating the City's various TOD-related City Code provisions, policies, action items, and plans. The eTOD Policy Plan shall serve to both measure the success of the City's policies to encourage development near transit corridors and in areas currently designated as TODs, and to explore opportunities to further support transit, affordable housing, and equitable development through transit-oriented development.

BE IT FURTHER RESOLVED:

The City Manager is directed, in coordination with Capital Metro, to include in the eTOD Policy Plan, proposed tiers for eTOD designation and a proposed implementation timeline. The eTOD Policy Plan shall include context-sensitive criteria for designating such tiers on high-capacity transit areas, including type of transit service, street level, likelihood that the transit service may change, existing uses, risk of displacement, and any other appropriate criteria that will help meet the goals of this Resolution. Such tiers may include recommendations of not designating certain areas as eTOD, or providing recommendations related to transit-supportive land use that do not include zoning an area as TOD and/or eTOD. All such recommendations must prioritize affordability, increasing transit ridership, and displacement prevention.

BE IT FURTHER RESOLVED:

The eTOD Policy Plan should provide recommendations on how to achieve the following goals:

- a. Identify methods to address potential displacement of residents, small businesses, cultural institutions, and community organizations from

transit-induced pressures, advance transit opportunities to existing communities, and ensure that housing near transit remains available to as many people as possible, including but not limited to, identifying methods for land banking around high-capacity transit and station areas, the acquisition of occupied affordable multifamily and mobile home communities near station areas and high-capacity transit, and other best practices for robust affordable housing creation and preservation;

- b. Encourage the creation of diverse housing options near transit that is accessible at every income level, accommodates all ages, and prioritizes affordable housing;
- c. Incentivize housing options for families of many sizes and various income levels around station areas and high-capacity transit, provides social and economic opportunity for current and future residents, and increases access to employment, health and educational centers;
- d. Encourage a variety of housing choices near transit facilities to accommodate a wide range of ages, incomes, and access accommodations needed for people with disabilities;
- e. Provide entitlements that increase housing capacity and maximize affordable housing opportunities to further the Austin Strategic Housing Blueprint Goals;
- f. Explore additional opportunities for funding affordable housing such as tax increment financing, and propose options for minimizing the displacement of residents of income-restricted and market-rate affordable multi-family housing and mobile home communities;

- g. Identify methods to preserve and maintain the affordable rental and purchase rates of units in existing income-restricted and market-rate affordable multi-family housing and mobile home communities;
- h. Encourage and incentivize the development of flexible, affordable commercial space to ensure local businesses, nonprofits, and creative organizations can remain in their communities;
- i. Promote sustainable economic activity that supports the immediate area and the city as a whole;
- j. Promote equitable planning efforts, centering racial and economic equity, in all aspects of the policy, including surveying opportunities for future equity assessments;
- k. Provide opportunities for enacting right to stay and right to return policies;
- l. Recognize that all TODs have their own circumstances and are not the same; each TOD is located within its own unique context and serves a specific purpose in the larger context; each TOD's specific development typologies are currently based on Station Area Plans and accompanying Regulating Plans developed through the City Code's planning processes;
- m. Explore the possibility of creating different development typologies that respond to local market and community conditions;
- n. Disincentivize the use of single-occupancy vehicles through travel demand management and responsible land use practices that support the multimodal transportation context, such as unbundled parking, eliminating parking requirements, and/or establishing parking maximums;

- o. Promote development strategies that focus on accommodating pedestrians, including people with disabilities, without excluding people traveling by vehicle.
- p. Consider creative parking strategies to allow the accommodation of vehicles without dividing a site such that parking is the dominating design factor;
- q. Support future expansion plans of the existing street network and Project Connect while providing enhanced walkable connections to and within surrounding neighborhoods;
- r. Create compact development with sufficient density to support transit ridership located within walking distance of transit stops;
- s. Encourage active and livable places that serve our daily needs and provide people with a sense of belonging and ownership within their community;
- t. Seek to incorporate retail into development, if viable at a particular location, ideally drawing customers from within the TOD and from major streets;
- u. Strive to make TODs realistic yet economically viable and valuable from a diversity of perspectives (city, transit agency, developer, resident, employer);
- v. Identify methods to support Project Connect investments through development;
- w. Align policies with the Project Connect equity, anti-displacement, and Community Advisory Committee processes and recommendations, including the process for developing neighborhood level strategies that

will guide anti-displacement funding as required by the Contract with the Voters (Resolution No. 20200807-003);

- x. Provide a process to work with Capital Metro during land acquisition to consider how potential excess or surplus property after construction may be used for eTODs, as well as the dedication of proceeds from the disposition of identified excess right-of-way to provide affordable housing;
- y. Provide recommendations on potential amendments to streamline and simplify City Code to incentivize eTOD projects;
- z. Facilitates effective coordination of City plans and programs between Capital Metro, City departments, and community stakeholders, including complying with the Contract with the Voters (Resolution No. 20200807-003);
- aa. Consider compatibility and connectivity with surrounding neighborhoods;
- bb. Include engaging, high quality public spaces, such as small parks or plazas, as organizing features and gathering places for the neighborhood;
- cc. Prioritize multifunctional designs on publicly owned land to support maximum delivery of community benefits; and
- dd. Additional strategies for Council consideration that may further the objectives of this resolution in high-capacity transit areas and areas the Council designates as TODs and develops station-area plans and accompanying regulating plans.

BE IT FURTHER RESOLVED:

The City Manager is directed to participate in and support the eTOD Study's community engagement efforts and create additional opportunities for citywide community engagement, as necessary and in partnership with Capital Metro. Community engagement shall include a sufficient public comment period, and, where applicable, aligned with the process for developing neighborhood-level strategies that will guide anti-displacement funding as required by the Contract with the Voters (Resolution No. 20200807-003), to ensure impacted people and stakeholder groups are included. Community engagement results shall be shared to further inform the study recommendations and proposed eTOD Policy Plan, areas proposed for TOD designation, and station area planning.

BE IT FURTHER RESOLVED:

The City Manager is directed, in coordination with Capital Metro, to research and provide recommendations regarding the use of Community Benefits Agreements in TOD projects as well as other mechanisms to codify community benefits negotiated through a TOD planning process.

BE IT FURTHER RESOLVED:

The City Manager shall develop and publish the eTOD Policy Plan within 14 months of the passage of this resolution, with an update on progress and preliminary recommendations for early adoption presented to Council at 6 months.

BE IT FURTHER RESOLVED:

The City Manager is directed to bring forward an FY 2022 baseline budget that includes resources necessary to support both the City's coordination with the ongoing study and the development of the eTOD Policy Plan, and relevant land use planning and community engagement processes. This may include hiring

additional staff, a consultant to assist in the development of the potential eTOD Policy Plan, a consultant to assist with community engagement, or other elements of this resolution.

BE IT FURTHER RESOLVED:

The City Manager shall bring forward for Council consideration during the FY 2022 budget adoption process the necessary action to initiate the station area and regulating planning processes and designation as a TOD for the highest priority areas along the Project Connect light rail, commuter, and MetroRapid corridors. In proposing these areas, the City Manager shall coordinate with Capital Metro to align with the Project Connect implementation schedule and prioritize areas such that station area and regulating plan processes can be completed with the Project Connect implementation processes.

ADOPTED: _____, 2021

ATTEST: _____
Jannette S. Goodall
City Clerk